

REMARKS**Request for Personal Interview:**

Attached hereto is a Form PTOL-413A. Applicant's representative will contact the Examiner by telephone to set a mutually convenient date and time. At the interview, applicant's representative proposes to show a video tape demonstration of the operation of the invention.

Regarding the Claims in General:

Claims 7-13 are now pending. Claim 6 has been canceled without prejudice and has been rewritten as new claim 12 to address the new ground of rejection set forth in the Decision of the Board of Patent Appeals and Interferences (the Board) mailed May 11, 2004 (the Decision), and claims 7-11 have been amended to conform to the terminology used in claim 12 and to correct the dependency.

New claim 12 and amended claim 7-11 are submitted for consideration by the Examiner pursuant to 37 C.F.R. 1.196(b)(1).

New claim 13 is dependent on claim 12, and recites a mechanism by which the lines are anchorable to the ground, as called for in claim 12.

Regarding the New Ground of Rejection under 35 U.S.C. 112:

New claim 12 has been written to overcome the new ground of rejection stated in the Decision.

As previously described, the invention relates to a practice device for the game of golf. The device is constructed of a non-resilient line 3 having a golf ball 1 tethered at one end, and anchorable to the ground by means of a ground anchor 4 at the other end, a resilient line 7 anchorable to the ground by means of ground anchors 8 and 9 at both ends, and a connecting ring 6 through which lines 3 and 7 can pass freely. When set up for use, line 7 is positioned as desired, and secured to the ground by anchors 8 and 9 which are driven into the ground at a distance from each other such that line 7 is stretched taut. Line 3 is then positioned at 90 degrees to line 7, with the crossing-point of

the lines at about the middle of line 7, and the end of line 3 is secured to the ground by anchor 4 at a position depending on which type of golf club is to be used at the time.

The distinguishing feature of the invention is the ability to set up the device for use with different clubs by proper selection of the location of the crossing-point of line 7 along line 3. To facilitate this, a set of colored markings (A, B, C) on line 3 serve as reference set up guide indicators. If the user wants to practice with a club which is intended to provide high loft such as a 9-iron, the reference marks indicate a crossing point for which the rest position of the ball will be closer to the resilient line than for use with a driver which provides less loft, but greater travel distance.

When the ball is hit, the coupling of lines 3 and 7 through ring 6 transfers energy to the resilient line, causing the latter to stretch as the ball flies out. When the forward motion of the ball is arrested by the non-resilient line, the energy stored in the resilient line causes the ball to return toward the starting position.

If the device is set up for the club being used, i.e., if the proper crossing-point has been selected, and the ball is properly hit, it will return along its outgoing flight path and roll to a stop near the starting position. If it is hit improperly, however, it will not return to the starting position. In particular, if the ball is "hooked" or "sliced", its resting place will be to the right of left of the outgoing path.

If the ball is hit straight, but the point of contact by the club is too high or too low, the right amount of energy will not be transferred to the resilient line to return the ball to the starting position. If the amount of energy is too great, the ball will not roll to a stop, but will rebound out again from the starting position.

If the amount of energy is too small, the ball will stop short of the starting position. Therefore, an immediate and reliable indication is given of the quality of the shot if the club being used corresponds to the selected colored marker.

If the device is set up for use with one club, but a different one is used, the above result is not achieved. In particular, if the selected crossing-point is indicated by the markers for use with a driver, for example, but a 7-iron is used, the crossing point will be too far from the ball, and even a proper shot will not transfer sufficient energy to the resilient line to return the ball to the starting position. Conversely, if the selected crossing-point is indicated for use with an iron, but a driver

is used, the crossing point will be too close to the ball, and a proper shot will transfer too much energy to the elastic line. In that case, the ball will rebound.

Consequently, when the user has completed practice with a particular club, and wants to work with a different club, the crossing-point of line 7 along line 3 must be changed. In other words, one of the lines must be moved so that line 7 crosses line 3 at the marker corresponding to the newly selected club.

In the Decision, claim 6 was (newly) rejected under 35 U.S.C. 112 on the ground that it was not clear if the claim was directed to:

(1) A golf swing training device with rigid and resilient lines anchored such that the resilient line crosses the rigid line at a mark (i.e., a golf swing training device arranged in a particular manner for use with a predetermined type of club)

or:

(2) A golf swing training device comprising the rigid and resilient lines anchored with the resilient line crossing the rigid line at any point, either at a mark or not at a mark ... with the rigid and resilient lines being capable of being re-positioned and re-anchored such that the resilient line crosses the rigid line at a mark (i.e., a golf swing training device adapted for arrangement for use with a type of club of the user's choosing).

According to the Decision, the specification supports either interpretation.

From the foregoing description, however, it should be clear that the intent is to provide a device which can be used with different clubs by anchoring the resilient and non-resilient lines so the lines cross at the point indicated by the markers corresponding to the club which is to be used at a particular time (i.e., the Board's second alternative interpretation). A new base claim 12 has been substituted for newly rejected claim 6 which has been written to avoid any possible ambiguity. If the Examiner is of the view that there is a question as to whether claim 12 is in compliance with 35 U.S.C. §112, he is respectfully requested to suggest changes in the wording which he believes will resolve the problem.

It should also be noted that while the differences between claims 6 and 12 do relate to an issue of patentability, these changes are only made to clarify the intent which applicant believes was always present in the language of claim 6, and do not narrow the scope of claim 12 in any respect.

Regarding the Prior Art Rejections:

As the Board's Decision did not sustain the rejections based on 35 U.S.C. 103, these will not be addressed herein except to reiterate that, when claim 12 is properly interpreted as stated above, the cited references do not render this claim obvious, whether considered singly, or in combination, because there is no suggestion in either of these references of a golf swing training device having:

a plurality of set-up guide indicators . . . representing respective locations which a user can select for the approximate center of said resilient line to cross said non-resilient line when the ends of said resilient and non-resilient lines are anchored to the ground for use of the device such that the device will operate correctly with a particular selected type of golf club.

In view of the foregoing, favorable reconsideration and allowance of this application are respectfully solicited.

I hereby certify that this correspondence is being transmitted by Facsimile to (703) 872-9306 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Lawrence A Hoffman
Name of applicant, assignee or
Registered Representative
Lawrence A Hoffman
Signature
July 7, 2004
Date of Signature

LAH:sk

Respectfully submitted,


Lawrence A Hoffman
 Registration No.: 22,436
 OSTROLENK, FABER, GERB & SOFFEN, LLP
 1180 Avenue of the Americas
 New York, New York 10036-8403
 Telephone: (212) 382-0700